

WEDNESDAY, MARCH 3, 2004
SIXTY-SEVENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Dr. Mark Bryan of Glen Leven Presbyterian Church in Nashville, Tennessee, a guest of Senator Henry.

PLEDGE OF ALLEGIANCE

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

COMMUNICATIONS

March 2, 2004

Lt. Gov. John Wilder
1 LP
Nashville, TN 37243

Dear Gov. Wilder:

I will be unable to attend the Floor Session on Wednesday, March 3, 2004 due to a personal commitment in Memphis. I will attend the Senate General Welfare Committee meeting the morning of March 3. Please excuse my absence and have this letter spread upon the Senate Journal.

Respectfully,

/s/ Curtis Person, Jr.

APPROVED: Lieutenant Governor
John S. Wilder

March 3, 2004

Lieutenant Governor John Wilder
Suite 1, Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker:

Due to illness please excuse me from the Senate Session for the following date: March 1.
Thank you for honoring my request.

Very truly yours,

/s/ Douglas Henry

APPROVED: Lieutenant Governor
John S. Wilder

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2252 and 3212 with amendments.

HENRY, Chairperson
March 2, 2004

The Speaker announced that he had referred Senate Bills Nos. 2252 and 3212 with amendments to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2314 with amendment, 2845, 3378, 3389, 3401 and 3452 with amendment; also, recommend that Senate Bill No. 3202 with amendment be referred to Committee on Finance, Ways and Means.

COOPER, Chairperson
March 2, 2004

The Speaker announced that he had referred Senate Bills Nos. 2314 with amendment, 2845, 3378, 3389, 3401 and 3452 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 3202 with amendment to Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2316 with amendments and 2986; also, recommend that Senate Bill No. 3019 be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson
March 2, 2004

The Speaker announced that he had referred Senate Bills Nos. 2316 with amendments and 2986 to Committee on Calendar.

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The Speaker announced that he had referred Senate Bill No. 3019 to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3152; also, recommend that Senate Bill No. 127 be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
March 3, 2004

The Speaker announced that he had referred Senate Bill No. 3152 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 127 to Committee on Finance, Ways and Means.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3173 with amendment.

MILLER, Chairperson
March 3, 2004

The Speaker announced that he had referred Senate Bill No. 3173 with amendment to Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2674, 3273 and 3274; also, recommend that Senate Bills Nos. 2060, 2106, 2443, 3105, 3106, 3150, 3151, 3200 and 3314 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson
March 3, 2004

The Speaker announced that he had referred Senate Bills Nos. 2674, 3273 and 3274 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2060, 2106, 2443, 3105, 3106, 3150, 3151, 3200 and 3314 to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2469, 2550, 2559 and 3185.

HARPER, Chairperson
March 3, 2004

The Speaker announced that he had referred Senate Bills Nos. 2469, 2550, 2559 and 3185 to Committee on Calendar.

PRESENTATION

Senator Atchley presented **Senate Joint Resolution No. 667** to Mr. Stan Brock of the Remote Area Medical Volunteer Corps.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate introduction and consideration of **Senate Joint Resolution No. 793**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 793 by Senator Crutchfield.

General Assembly, Recess & Reconvene -- Recess the Senate at the close of business on Wednesday, March 3 and reconvene on Monday, March 8, 2004.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 793** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3472 by Senator McLeary.

McKenzie -- Subject to local approval, repeals Indigent Care Trust Fund. Repeals Chapter 371 of the Private Acts of 1982.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2277 -- Tennessee Bureau of Investigation -- Permits the TBI to use the \$50.00 fee collected for expunction of criminal records for the support and maintenance of the TBI information systems division as well as for the expunged criminal offender and pretrial diversion database. Amends TCA Section 38-6-118.

House Bill No. 2546 -- Children -- Allows juvenile court to review residential and treatment placement of children in state custody, and to make recommendation to Department of Children's Services as to child's placement. Amends TCA Title 37.

House Bill No. 2548 -- Criminal Offenses -- Provides that it is a Class C misdemeanor for person to repeatedly, after notice is given, allow such person's dog to go upon premises of another. Amends TCA Title 44, Chapter 8, Part 4.

House Bill No. 2597 -- Surveyors -- Requires land surveyors to search land records of land to be surveyed as well as adjoining properties to help determine the correct boundaries of the land being surveyed. Amends TCA Title 62, Chapter 18, Part 1.

House Bill No. 2890 -- Utilities, Utility Districts -- Establishes certain uniform methods for filling vacancies occurring on utility district boards of commissioners; creates an administrative mechanism whereby utility districts can convert to one of the uniform methods; establishes a uniform method for removal of commissioners under certain circumstances. Amends TCA Section 7-82-307; Section 7-82-402(c) and Section 7-82-702.

House Bill No. 2934 -- Local Education Agency -- Provides that school board can extend control of director of schools only if prior notice of such action is given and it is included as a specific item on the board meeting agenda. Amends TCA Section 49-2-203.

House Bill No. 3554 -- Pulaski -- Subject to local approval, amends the residency requirement for the members of the police department of the City of Pulaski. Amends Chapter 711 of the Private Acts of 1949.

House Bill No. 3556 -- Maury County -- Subject to local approval, enacts the "2004 Human Resources Law".

House Bill No. 3561 -- Tiptonville -- Subject to local approval, requires two, instead of three, readings to pass an ordinance. Amends Chapter 393 of the Acts of 1907.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 3471 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 783 by Senator Graves.
Memorials, Academic Achievement -- Rebecca Leigh Newhouse, Salutatorian, Hendersonville High School.

Senate Joint Resolution No. 784 by Senator Graves.
Memorials, Academic Achievement -- Sarah Brandt, Valedictorian, Hendersonville High School.

Senate Joint Resolution No. 785 by Senator Graves.
Memorials, Academic Achievement -- Adam Porter, Valedictorian, Portland High School.

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Senate Joint Resolution No. 786 by Senator Graves.

Memorials, Academic Achievement -- Hannah Caroline Smith, Valedictorian, Portland High School.

Senate Joint Resolution No. 787 by Senator Graves.

Memorials, Academic Achievement -- Sally Pirtle, Valedictorian, Portland High School.

Senate Joint Resolution No. 788 by Senator Graves.

Memorials, Academic Achievement -- Gerri Elliott, Salutatorian, Portland High School.

Senate Joint Resolution No. 789 by Senator Graves.

Memorials, Academic Achievement -- Catie Stroud, Valedictorian, Portland High School.

Senate Joint Resolution No. 790 by Senator Graves.

Memorials, Academic Achievement -- Joshua Smart, Salutatorian, Portland High School.

Senate Joint Resolution No. 791 by Senator Graves.

Memorials, Academic Achievement -- Emily Skelly, Salutatorian, Portland High School.

Senate Joint Resolution No. 792 by Senator Henry.

Memorials, Congratulations -- Vanderbilt Children's Hospital.

Senate Joint Resolution No. 794 by Senator Ramsey.

Memorials, Sports -- Dan W. Crowe, TSSAA Hall of Fame.

Senate Joint Resolution No. 795 by Senator Crowe.

Memorials, Recognition -- Brian E. Moody.

Senate Joint Resolution No. 796 by Senator Crowe.

Memorials, Recognition -- Mountain States Health Alliance, Tennessee Center for Performance Excellence Quality Achievement Award.

Senate Joint Resolution No. 797 by Senator Crutchfield.

Memorials, Recognition -- Supports and encourages participation in Threshold: Sustaining a Land Called Tennessee conference at UT-Chattanooga.

Senate Resolution No. 131 by Senator Henry.

Memorials, Recognition -- Commends and supports 2004 Presidential election and full-fledged democracy in The Republic of China (Taiwan).

Senate Resolution No. 132 by Senator McNally.

Memorials, Recognition -- Tennessee State Youth Conference.

RESOLUTIONS LYING OVER

House Joint Resolution No. 815 -- General Assembly, Statement of Intent or Position --

Urges recognition of God and the exercise of religious freedom as a foundation of our state and national heritage.

The Speaker announced that he had referred House Joint Resolution No. 815 to Committee on State and Local Government.

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House Joint Resolution No. 924 -- Memorials, Death -- Brenda Elaine Darden-Keesee.

The Speaker announced that he had referred House Joint Resolution No. 924 to Committee on Calendar.

House Joint Resolution No. 925 -- Memorials, Academic Achievement -- Andy Murray, Phi Theta Kappa All-Tennessee Academic Team.

The Speaker announced that he had referred House Joint Resolution No. 925 to Committee on Calendar.

House Joint Resolution No. 942 -- Memorials, Congratulations -- WKBL-AM in Tipton County, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 942 to Committee on Calendar.

House Joint Resolution No. 943 -- Memorials, Congratulations -- Lawrence "The Man" Hall of WKBL-AM in Tipton County.

The Speaker announced that he had referred House Joint Resolution No. 943 to Committee on Calendar.

House Joint Resolution No. 945 -- Memorials, Professional Achievement -- John W. Greeter.

The Speaker announced that he had referred House Joint Resolution No. 945 to Committee on Calendar.

House Joint Resolution No. 946 -- Memorials, Death -- Judge John K. Byers.

The Speaker announced that he had referred House Joint Resolution No. 946 to Committee on Calendar.

Senate Joint Resolution No. 782 -- Memorials, Public Service -- James A. "Buddy" Conner.

The Speaker announced that he had referred Senate Joint Resolution No. 782 to Committee on Calendar.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

March 1, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 216, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 1, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1905, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 1, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2322, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

CONSENT CALENDAR

House Joint Resolution No. 897 -- Memorials, Sports -- William M. "Mickey" Dunn, TSSAA Hall of Fame.

House Joint Resolution No. 898 -- Memorials, Recognition -- Matthew Andrews, Prudential Spirit of Community Award.

House Joint Resolution No. 899 -- Memorials, Public Service -- James Bruce Stanley.

House Joint Resolution No. 900 -- Memorials, Recognition -- Jack Soodhalter and the 20th anniversary of *The News Herald*.

House Joint Resolution No. 901 -- Memorials, Recognition -- Charles Head.

House Joint Resolution No. 903 -- Memorials, Personal Achievement -- Steven Clark, Eagle Scout.

House Joint Resolution No. 904 -- Memorials, Death -- Marshall T. Nave.

House Joint Resolution No. 905 -- Memorials, Death -- Annie Lee Jones.

House Joint Resolution No. 907 -- Memorials, Professional Achievement -- Greg Duckett.

House Joint Resolution No. 908 -- Memorials, Recognition -- Oscar Palmer Robertson.

House Joint Resolution No. 909 -- Memorials, Recognition -- Robert Nelson "Bob" Clement.

House Joint Resolution No. 910 -- Memorials, Recognition -- Anson Adams Mount IV.

House Joint Resolution No. 911 -- Memorials, Recognition -- Thomas Wilson Beasley.

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House Joint Resolution No. 912 -- Memorials, Personal Occasion -- Adell Hooper Stamps, 80th birthday.

House Joint Resolution No. 913 -- Memorials, Sports -- Corey Brewer, McDonald's All Star Game.

House Joint Resolution No. 914 -- Memorials, Recognition -- Ashlee Miller.

House Joint Resolution No. 915 -- Memorials, Sports -- W. G. Siler, TSSAA Hall of Fame.

House Joint Resolution No. 917 -- Memorials, Sports -- Juan Carlos Juvera Roman, 2003 Region 5-AA Most Valuable Kicker.

House Joint Resolution No. 918 -- Memorials, Professional Achievement -- Karen Blockman Carrier.

House Joint Resolution No. 919 -- Memorials, Professional Achievement -- Harold Gwatney.

House Joint Resolution No. 920 -- Memorials, Professional Achievement -- John Hull Dobbs, Sr.

House Joint Resolution No. 921 -- Memorials, Professional Achievement -- Mike Bruns.

House Joint Resolution No. 922 -- Memorials, Professional Achievement -- Harry Smith.

House Joint Resolution No. 923 -- Memorials, Sports -- James Lloyd Ellis, TSSAA Hall of Fame.

Senate Joint Resolution No. 779 -- Memorials, Recognition -- Clarksburg Ruritan Club.

Senate Joint Resolution No. 780 -- Memorials, Personal Occasion -- Mack and Elizabeth Hendrickson, 70th wedding anniversary.

Senate Joint Resolution No. 781 -- Memorials, Congratulations -- B'Nai Sholom Congregation, 100th anniversary.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Senator Fowler moved that **Senate Joint Resolution No. 127** be moved one place down on the calendar for today, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 3212** be placed on the calendar for Monday, March 8, 2004, which motion prevailed.

MOTION

Senator Jackson moved that the Secretary of State be invited to speak about **Senate Bill No. 3212** on Monday, March 8, 2004, which motion prevailed by the following vote:

Ayes	26
Noes	0
Present, not voting . . .	1

Senators voting aye were: Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Senator present and not voting was: Miller--1.

CALENDAR

Senate Joint Resolution No. 127 -- Constitutional Amendments -- Adds new provision to Article I to provide that nothing in Constitution of Tennessee secures or protects right to abortion or funding thereof.

Senator Fowler moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Wilder declared pursuant to Article XI, Section 3 **Senate Joint Resolution No. 127** had been read.

MOTION

Senator Fowler moved that Rule 9 be suspended for the purpose of allowing the Deputy Attorney General, Andy Bennett, to address the body about **Senate Joint Resolution No. 127**, which motion prevailed by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senator present and not voting was: Miller--1.

CALENDAR

Senate Bill No. 2601 -- Insurance Companies, Agents, Brokers, Policies -- Establishes reasonable time for insurance company to respond to inquiry received from the department based on complaint filed with department against insurance company by an insured. Amends TCA Title 56.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all provisions of the bill following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

56-1-1___. (a) Notwithstanding any other provision of law or rule to the contrary, if the department of commerce and insurance makes a request for information from an entity or individual licensed under this title, or required to be licensed under this title, concerning a complaint filed against such entity or individual, and such request requires a response, the entity or individual must respond to such request within a reasonable time. As used in this section, "reasonable time" shall mean a period of time not to exceed thirty (30) days from the date the request is received by the entity or individual. For the purposes of this section, the response by the entity or individual shall constitute a response if it acknowledges the inquiry from the department and sets forth a time frame to address the substantive issues in the inquiry.

(b) The provisions of this section do not apply to or preempt any other provision of law which requires or allows the commissioner to require an individual or entity to respond to a request from the department of commerce and insurance within a period of time less than thirty (30) days.

(c) The commissioner may levy a civil penalty in the amount of one hundred dollars (\$100) per day upon any entity or individual that fails to respond within a reasonable time.

(d) The provisions of this section do not rescind or preempt any due process rights of entities regulated pursuant to Title 56.

(e) This section does not apply to entities subject to regulation by the department that participate in the TennCare program under Title XIX of the Social Security Act or any successor to the TennCare program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2601**, as amended, passed its third and final consideration by the following vote:

Ayes 28

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2673 -- Traffic Safety -- Decreases distance person is not allowed to park or stop vehicle from fire hydrant from within 15 feet to within 7.5 feet. Amends TCA Section 55-8-160.

Senator Williams moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2673**, as amended, passed its third and final consideration by the following vote:

Ayes 29

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 2797 -- Law Enforcement -- Enacts the "Robert 'Robbie' Nottingham Campus Crime Scene Investigation Act of 2004". Amends TCA Title 49, Chapter 7, Part 1.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

Section 49-7-129. (a) This act shall be known and may be cited as the "Robert 'Robbie' Nottingham Campus Crime Scene Investigation Act of 2004".

(b) Regardless of whether a public or private institution of higher education has entered into a mutual assistance agreement with a law enforcement agency pursuant to § 49-7-118, the chief security officer or chief law enforcement officer of such institution shall immediately notify the local law enforcement agency with territorial jurisdiction over the institution if the medically unattended death of a person occurs on the property of such institution or if such officer or any other official of the institution is in receipt of a report alleging that any degree of rape has occurred on the property of such institution. The chief security officer or chief law enforcement officer shall designate one (1) or more persons who shall have the authority and duty to notify the appropriate law enforcement agency in the absence of the chief security officer or chief law enforcement officer.

(c) Upon notification pursuant to subsection (b), it shall be the duty of each agency to participate in a joint investigation of the death or alleged rape. In the case of a medically unattended death, the local law enforcement agency shall lead the investigation. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation.

(d) After notifying the local law enforcement agency pursuant to subsection (b), the security officers or law enforcement officers and all other employees of such institution shall cooperate in every respect with the investigation conducted by the law enforcement agency.

(e) As used in this section, "local law enforcement agency" means:

(1) Within the territory of a municipality, the municipal police force;

(2) Within the territory of a county having a metropolitan form of government, the metropolitan police force; and

(3) Within the unincorporated territory of a county, the sheriff's office.

(f) A knowing violation of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 2 and by substituting instead the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2797**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 3109 -- Utilities, Utility Districts -- Authorizes utility vehicles used in course of official duties of utility to be equipped with and display flashing white or strobe light at front of vehicle while stopped, standing or parked at work or repair site or area. Amends TCA Section 55-9-402.

Senator Williams moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-9-402, is amended by adding the following language as subsection (e) and relettering the remaining subsection accordingly:

(e)(1) Notwithstanding any provision of law to the contrary, nothing in this section shall prohibit a highway maintenance or utility vehicle from operating either:

(A) A white light system within the headlight assembly or grill area or that displays to the front of the vehicle, or

(B) An amber light system on any location on such vehicle other than in the tail light lamp, stoplight area, or factory installed emergency flasher and backup light area,

if such light system is flashing, oscillating, or revolving, while the vehicle is engaged in repair or maintenance work on or near any public highway.

(2) As used in this subsection, "utility" means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone

service, or any combination thereof, for sale to consumers in any particular service area.

(3) As used in subdivision (e)(2), "cooperative" means any cooperative providing utility services, including, but not limited to, electric and/or telephone services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3109**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 3305 -- Education -- Requires state board to formulate policy for attendance and transfer of students whose custodial parents reside in two LEAs. Amends TCA Title 49, Chapter 6, Part 30 and Title 49, Chapter 6, Part 31.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the printed bill and substituting the following new Section 1:

SECTION 1. The State Board of Education and the State Department of Education shall study the need for, and necessary elements of, a policy governing the assignment, transfer, and allocation of funds from one district to another for school students who are in the custody of both parents and who alternate between the residences of the parents. Such study shall be completed by May 15, 2004, and the results and recommendations shall be reported to the chairs of the education committees of the Senate and House of Representatives.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3305**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kunita, Kyle, McLeary, McNally, Miller, Norris, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of March 8, 2004, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

TENNESSEE STATE SENATE 103rd GENERAL ASSEMBLY

PROPOSED SCHEDULE FOR THE WEEK OF MARCH 8, 2004

MONDAY -- March 8

5:00 p.m. Session -- Senate Chamber

TUESDAY -- March 9

8:30 a.m. -- 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. -- 12:30 p.m.	State & Local Government Committee
12:30 p.m. -- 1:30 p.m.	Lunch
1:30 p.m. -- 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. -- 5:30 p.m.	Judiciary Committee

WEDNESDAY -- March 10

8:30 a.m. -- 9:30 a.m.	Education Committee
9:30 a.m. -- 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. -- 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. -- 12:30 p.m.	Lunch
12:30 p.m. -- 1:30 p.m.	Transportation Committee
1:30 p.m. -- 2:30 p.m.	Government Operations Committee
	No Floor Session

THURSDAY -- March 11

9:00 a.m.	Session -- Senate Chamber
Immediately after Senate Session	Education Committee

WEDNESDAY, MARCH 3, 2004 -- 67TH LEGISLATIVE DAY

OTHER MEETINGS:

Monday, March 8, 2004 --
Select Oversight Committee on Corrections
1:00 p.m. -- Room 16 LP
Council on Pensions & Insurance
1:30 p.m. -- Room 29 LP
Government Operations Rules Review
1:30 p.m. -- Room 12/14 LP
Fiscal Review Committee (Contract Subcommittee)
2:00 p.m. -- Room 16 LP
(Full Committee) 2:30 p.m. -- Room 16 LP
Identity Theft Study Committee
3:00 - 4:00 p.m. -- Speaker Wilder's Conference Room
Joint Committee on Methamphetamine Related
Offenses
4:00 p.m. -- Speaker Wilder's Conference Room

Tuesday, March 9, 2004 --
Commerce, Labor & Agriculture Pre-Meeting
7:30 a.m. -- Third Floor Conference Room

Wednesday, March 10, 2004 --
Joint Oversight Committee on Workers' Compensation
3:00 p.m. -- Room 12/14 LP

Thursday, March 11, 2004 --
Joint Predatory Lending Study Committee
8:00 a.m. -- Room 12/14 LP

CALENDAR

Senator Haynes moved that **Senate Bill No. 2683** be placed on the calendar for Monday, March 8, 2004, which motion prevailed.

House Bill No. 2198 -- Hospitals and Health Care Facilities -- Requires nursing homes and assisted living facilities to disclose whether the facility has sprinklers. Amends TCA Title 68.

On motion of Senator Fowler, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2198** passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolutions Nos. 898, 903, 912 and 913; and Senate Bills Nos. 1928 and 3380**.

On motion of Senator McLeary, his name was removed as sponsor of **Senate Bill No. 3212**.

On motion of Senator Person, his name was added as sponsor of **House Joint Resolutions Nos. 907, 919, 920 and 922**.

On motion of Senator Ford, his name was added as prime sponsor of **Senate Bill No. 3311**.

On motion of Senator Miller, his name was removed as sponsor of **Senate Bill No. 3311**.

On motion of Senator Haynes, his name was added as prime sponsor of **Senate Bills Nos. 3378, 3410, 3424 and 3452**.

On motion of Senator Burks, her name was added as prime sponsor of **Senate Bills Nos. 3431 and 3453**.

On motion of Senators Kurita, Dixon, Norris, Ketron and Crutchfield, their names were added as sponsors of **Senate Bill No. 3274**.

On motion of Senator Jackson, his name was added as sponsor of **House Joint Resolutions Nos. 908, 909 and 910**.

On motion of Senator Cooper, his name was added as sponsor of **Senate Bill No. 3250**.

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolutions Nos. 756 and 767; and House Joint Resolutions Nos. 876, 896 and 900**.

On motion, all Senators' names were added as sponsors of **House Joint Resolutions Nos. 904 and 911**.

On motion of Senator Kilby, his name was added as sponsor of **House Joint Resolution No. 909 and Senate Bill No. 2520**.

On motion of Senator Atchley, his name was added as sponsor of **Senate Bill No. 2376**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bills Nos. 2673 and 3093**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2079, 2683 and 2797; and House Joint Resolution No. 923**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolutions Nos. 901, 907, 909 and 920**.

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolution No. 901**.

On motion of Senator Trail, his name was added as sponsor of **House Joint Resolution No. 909**.

On motion of Senator Haynes, his name was added as sponsor of **House Joint Resolutions Nos. 899, 900 and 909**.

WEDNESDAY, MARCH 3, 2004 -- 67TH LEGISLATIVE DAY

On motion of Senator Kyle, his name was added as sponsor of **House Joint Resolutions Nos. 907, 909, 918, 919, 920 and 922.**

On motion of Senator Cohen, his name was added as sponsor of **House Joint Resolutions Nos. 907, 913, 918, 919 and 920; and Senate Joint Resolution No. 781.**

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolutions Nos. 918, 919, 921 and 922.**

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 907, 908, 909, 919, 920 and 923.**

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolutions Nos. 901, 905 and 909.**

ENGROSSED BILLS

March 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2601, 2673, 2797, 3109 and 3305; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 779, 780, 781 and 793; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3558 and 3560, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 927, 928, 929, 931, 932, 933, 934, 935, 936, 937, 938, 944 and 947; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 793, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 765, 767, 768, 772, 773, 774, 775, 776, 777, 778, 779, 780 and 781; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

March 2, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 130; and Senate Joint Resolutions Nos. 764 and 766; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

March 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2098, 2129, 2315, 2504 and 3341; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

March 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 765, 767, 768, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 793; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2490 and 2491, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 897, 898, 899, 900, 901, 903, 904, 905, 907, 908, 909, 910, 911, 912, 913, 914, 915, 917, 918, 919, 920, 921, 922 and 923; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2198, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

March 2, 2004

The Speaker announced that he had signed the following: Senate Resolution No. 130; and Senate Joint Resolutions Nos. 764 and 766.

SIGNED

March 3, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 2098, 2129, 2315, 2504 and 3341.

SIGNED

March 4, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 897, 898, 899, 900, 901, 903, 904, 905, 907, 908, 909, 910, 911, 912, 913, 914, 915, 917, 918, 919, 920, 921, 922 and 923.

SIGNED

March 4, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 765, 767, 768, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 793.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 764 and 766, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 221 and 1631, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2098, 2129, 2315, 2504 and 3341; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 765, 767, 768, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 793; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 2, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 764 and 766, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 221 and 1631, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2098, 2129, 2315, 2504 and 3341; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 765, 767, 768, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781 and 793; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 4, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 902 and 2337; and Senate Joint Resolutions Nos. 764 and 766; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 8, 2004: Senate Bill No. 3212; Senate Joint Resolution No. 127; and Senate Bills Nos. 2252, 2314, 2316, 2683 and 3452.

This the 4th day of March, 2004.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, March 8, 2004: Senate Bills Nos. 216, 1905 and 2322.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn pursuant to **Senate Joint Resolution No. 793** until 5:00 p.m., Monday, March 8, 2004, which motion prevailed.